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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/876,103	06/08/2001	Tomoharu Hase	684.2801 CI	9599	
5514	7590 10/21/2003		EXAM	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA			EVANS, GEOFFREY S		
	L, NY 10112		ART UNIT	PAPER NUMBER	
			1725		

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	A 1: 4: At						
	Application No.						
Office Action Summers	09/876,103	TOMOHARU	J HASE ET AL.				
Office Action Summary	Examiner	Art Unit					
The MAN INC DATE of this committee in	Geoffrey S Evans	1725					
The MAILING DATE of this communication appears on the cover she it with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, howeve within the statutory minim will apply and will expire SIX cause the application to b	r, may a reply be timely filed um of thirty (30) days will be considere ((6) MONTHS from the mailing date o ecome ABANDONED (35 U.S.C. § 13	f this communication.				
1)⊠ Responsive to communication(s) filed on <u>25 J</u>	luna 2003						
<u> </u>	is action is non-fina	. 1					
<u></u>			to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) Claim(s) <u>20-22,26-32,37 and 40-49</u> is/are pen							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>20-22,26-32,37 and 40-49</u> is/are rejected.							
' <u> </u>	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/orApplication Papers	r election requirem	ent.					
	r						
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12)☐ The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a)⊠ All b)□ Some * c)□ None of:		• .,.,					
1.☐ Certified copies of the priority documents	s have been receiv	ed.					
2. Certified copies of the priority documents	s have been receiv	ed in Application No. 09/24	<u>10,839</u> .				
Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) ☐ The translation of the foreign language provisional application has been received.							
15) Acknowledgment is made of a claim for domesti	• •						
Attachment(s)	🗖						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 N	nterview Summary (PTO-413) Par lotice of Informal Patent Application ther:					

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DETAILED ACTION

1. This action is in response to the Request For Continued Examination (RCE) and the accompanying amendment of 25 June 2003.

2. Claims 20-22,26-32,37,40-42,44,45,46,47,48 and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed specification only disclosed a second supplier supplying either pure oxygen or a clean air that contains oxygen (see page 9, lines 19-21). There is no disclosure in the originally filed specification that all gases containing oxygen may be used as the gas supplied by the second supplier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (703)-308-1653. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703)-308-3318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.

Geoffrey S Evans Primary Examiner Art Unit 1725

GSE